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<b>Notice of Allowability</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/075,019		DIETZ ET AL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Nguyen T. Ha		2831	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/21/2006.
2. ☒ The allowed claim(s) is/are 40-46 and 70-90.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

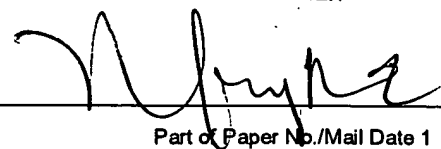
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

NGUYEN T. HA  
 PRIMARY EXAMINER



**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 47-52 are cancelled based on the withdrawn dated 6/21/2006.

***Response to Amendment***

2. The examiner acknowledges the applicant's submission of the amendment dated 6/21/2006. At this point, claims 1-39, 53-69 have been cancelled, claims 47-52 have been withdrawn, and claims 70-90 have been added. Claims 40-46 and 70-90 are pending in the instant application.

***Response to Arguments***

3. The applicant's argument that Bell et al. is failed to disclose a method for preparing a mesoporous polymer/mesoporous carbon comprising the steps of: controlling the average polymer particle size primarily by controlling the pH of the solution, and manipulating the pore size in the polymer primarily by adjusting the solvent concentration. The examiner finds this argument persuasive. Therefore, the examiner made decision to allow this limitation over the prior art of record.

***Allowable Subject Matter***

4. Claims 40-46 and 70-90 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 40-46 and 70-79, the prior art alone or in combination does not teach the limitation of a method for preparing a mesoporous polymer/mesoporous carbon comprising the steps of: controlling the average polymer particle size primarily by controlling the pH of the solution, and manipulating the pore size in the polymer primarily by adjusting the solvent concentration. Claims 80-90, the prior art alone or in combination does not teach the limitation of a method for preparing a mesoporous polymer/mesoporous carbon comprising the steps of: polymerizing the polymerizable organic compounds which includes controlling the average polymer particle size primarily by controlling the pH of the solution and controlling the pore size in the polymer primarily by adjusting the ratio of water to polymerizable organic compounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Citation Relevant of Prior Art**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Oh et al. (US 6,515,845) disclose method for preparing nanoporous carbon materials and electric double-layer capacitors using them.

b. Peng et al. (US 6,024,899) disclose method of making mesoporous carbon using pore former.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NGUYEN T. HA  
PRIMARY EXAMINER

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August 28, 2006